

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In RE:

JULIE A. BOSTON,

Case No.: 15-60506  
Chapter 13

Debtor.

**NOTICE OF HEARING AND MOTION TO OBJECT TO CLAIM**

TO: THE CLAIMANT, THE TRUSTEE, THE U.S. TRUSTEE, AND ALL PARTIES REQUESTING NOTICE:

1. The Debtor herein moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at **11:15 a.m., on August 30, 2016, in U. S. Bankruptcy Court, Courtroom 2, 118 South Mill Street, Fergus Falls, Minnesota.**

3. Any response to this motion must be delivered and filed not later than August 25, 2016, which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this chapter 13 case was filed on October 12, 2015. This case is now pending in this court.

5. This motion arises under 11 U.S.C. § 502 and Fed. R. Bankr. P 3007 Local Rule 3007-1. This motion is filed under Bankruptcy Rule 9014 and Local Rule 9013. Movant seeks an order of the Court denying Claim 9 filed by Wilford, Geske & Cook on behalf of Nationstar Mortgage, LLC, successor in interest to Bank of America, N.A., BAC Home Loans Servicing, LP, and Countrywide Home Loans, Inc. in the amount of \$152,235.50.

6. This motion is filed because the debtor entered into a valid mortgage modification agreement with Countrywide Home Mortgage Company which reduced the monthly mortgage payments to \$717.22. This payment amount should be used to determine the amount of arrearages included in the Debtor's Chapter 13 Plan and the Claim.

7. Furthermore, the Claim of Nationstar Mortgage, LLC, should be denied as the Court has previously ruled upon this issue in the Debtor's prior Chapter 13 case, Case No. 11-60555. The Debtor's mortgage at that time was owned by Bank of America, and a similar claim was filed which neglected to consider the mortgage modification agreement. The claim of Nationstar Mortgage, LLC, which is the subject of this motion, is the same mortgage referenced in the prior case and claim. The Court's Order docketed as Document No. 29, on June 26, 2012, denied the prior claim in its entirety.

Wherefore, the Debtor moves the Court for an Order denying Claim No. 9 filed by Wilford, Geske & Cook on behalf of Nationstar Mortgage, LLC, successor in interest to Bank of America, N.A., BAC Home Loans Servicing, LP, and Countrywide Home Loans, Inc. in the amount of \$152,235.50, and such other relief as may be just and equitable.

Dated: May 9, 2012

/e/ Logan Moore

Logan Moore  
Attorney for Debtor  
1118 Broadway  
Alexandria, MN 56308  
Attorney I.D. #312083

W:\2011\11-145\7-20-16 objection to claim of Nationstar Mortgage.wpd

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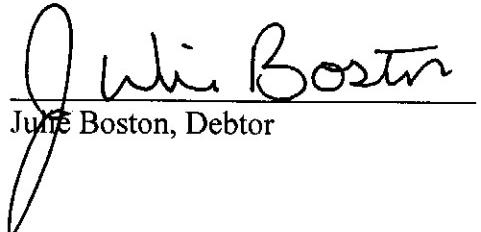
Debtor.

**AFFIDAVIT**

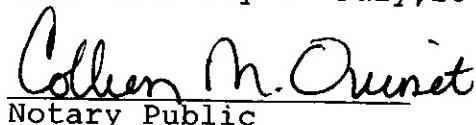
Julie Boston, under penalty of perjury, states the following:

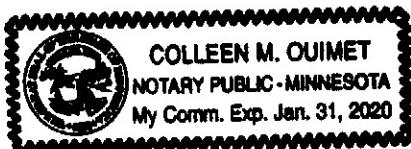
1. That she is the Debtor in the above-referenced bankruptcy; and
2. That she did sign and return the Modification Agreement to Countrywide Home Mortgage Company.

Executed on 7-20, 2016

  
\_\_\_\_\_  
Julie Boston, Debtor

Subscribed and sworn to before me  
this 20th Day of July, 2016, by Julie Boston.

  
\_\_\_\_\_  
Colleen M. Ouimet  
Notary Public



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**ORDER DENYING CLAIM**

This matter came before the court upon the motion of Julie Boston, the Debtor herein, seeking an order of the court denying Claim No. 9 filed on behalf of Nationstar Mortgage LLC. Based upon the file, record and proceedings herein,

IT IS HEREBY ORDERED:

1. The Debtor's motion is granted.
2. Claim No. 9, filed by Wilford, Geske & Cook on behalf of Nationstar Mortgage, LLC, successor in interest to Bank of America, N.A., BAC Home Loans Servicing, LP, and Countrywide Home Loans, Inc. in the amount of \$152,235.50, is denied.
3. Nationstar Mortgage, LLC, may file a new claim per the valid Modification Agreement entered into by the Debtor and Countrywide Home Mortgage Company.

Dated:

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Michael E. Ridgway  
United States Bankruptcy Judge